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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,825	09/25/2003	Maximino Aguilar JR.	AUS920030704US1	7315

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EXAMINER	
PARTHASARATHY, PRAMILA	
ART UNIT	**PAPER NUMBER**
2136	

MAIL DATE	DELIVERY MODE
10/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/670,825	AGUILAR ET AL.	
	Examiner	Art Unit	
	Pramila Parthasarathy	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) *10,20,28 and 30* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11-19,21-27,29 and 31-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/6/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to remarks filed on August 06, 2007. New Claims 34 – 37 were added. Claims are 1 –9, 11 – 19, 21 – 27, 29 and 31 – 37

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449 is attached to the Office action.

Response to Arguments

3. Applicant's arguments filed on August 06, 2007 have been fully considered. With respect to 35 USC 101 rejection, applicant's amendment does not overcome the previous rejection and Examiner maintains rejection (see below for Examiner's suggestions). With respect to 35 USC 112 rejection, applicant has amended in order to overcome previous rejection but Examiner maintains rejection (see below).

With respect to amended and new Claims, applicant primarily argues that Sibert does not anticipate "a mail box that corresponds to the second controlled processor and checking the second controlled processor's mailbox from the second controlled processor". This argument is persuasive. Prior art rejection is hereby withdrawn.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated

by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1 – 9, 11 – 19, 21 – 27, 29 and 31 – 37are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 24 of U.S. Patent No. 6,981,072. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims correspond to the claims of the patent claims, except in the instant claims the elements "a control processor and a plurality of controlled processor from the plurality of controlled processors to operate in a shared operational state; selecting a second controlled processor from the plurality of controlled processors to operate in an isolated operational state" is referred in the patent claims as "a general-purpose processor; a special-purpose processor; ... wherein the general-purpose processor is a processing unit". Patent claims recite "wherein the special-purpose processor is a synergistic processing unit (SPU), wherein the SPU communicates with the system memory only through the DMAC and the second MMU" which encompasses the instant application claims "reading, at the second controlled processor, one or more special nonvolatile registers, the special nonvolatile registers including one or more special nonvolatile

registers ... wherein the reading and writing steps are performed using Direct Memory Access (DMA) operations". Thus patent claims anticipate the instant claims.

Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application. Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting *(In re Goodman (CAFC) 29 USPQ2d 2010 (12/3/1993).*

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1 – 9, 11 – 19, 21 – 27, 29 and 31 – 37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim(s) 31 – 33 are not limited to tangible embodiments as they recite "configuring" and "executing" functions, which do not define any structural and functional interrelationships between the method, program or instructions and other claimed aspects of the invention, which permits the program's functionality to be realized.

The rejection of the base claim is necessarily incorporated into the dependent claims.

Examiner suggests moving the "sending" and "write" limitations of claims 1, 11 and 21 to respective independent claims would overcome 35 USC 101 rejection as they produce tangible results.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1 – 9, 11 – 19, 21 – 27, 29 and 31 – 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims recite, "controlled processors" which are not defined in the instant specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 – 9, 11 – 19, 21 – 27, 29 and 31 – 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 31, 32 and 33 recite "the second controlled processor executes the first code in a secure manner by virtue of the isolated operational state". However, Claims 31, 32 and 33 also recite "at least one first controlled processor of the multiprocessor system to be in a shared operational state, wherein the shared operation state causes the at least one first processor to operate using a common memory accessible by a plurality of processors in the multiprocessor system" and "a second processor of the

multiprocessor system to be in an isolated operational state". The rejection of the base claim is necessarily incorporated into the dependent claims.

Examiner interprets that the first and second processors execute all code in a shared (unsecured) operational state using common memory accessible by a plurality of processors in the multiprocessor system.

Examiner suggests clarifying second controlled processors by amending "a plurality of controlled processors" with "a plurality of the synergistic processing units".

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy
October 24, 2007.

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

10/27/07